

**RECEIVED  
CENTRAL FAX CENTER****JUL 03 2006****PATENT APPLICATION**

7/03/06

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Colin DUNLOP  
Serial no. : 10/009,663  
Filed : with an effective filing date of May 15, 2000  
For : MOTION MONITORING APPARATUS  
Group Art Unit : 3736  
Examiner : Jonathan M. FOREMAN  
Docket : GRIHAC P38AUS

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Dear Sir:

<b>[XXX] A CHECK FOR THE FEES INDICATED BELOW, BASED UPON THE APPLICANT'S SMALL ENTITY STATUS, ACCOMPANIES THIS RESPONSE.</b>	
<b>PETITION FOR 1-MONTH EXTENSION OF TIME</b>	<b>\$60</b>
<b>TOTAL</b>	<b>\$60</b>

This response is being filed in reply to the official action mailed May 3, 2006. In that action, the Examiner required an election of species under 35 U.S.C. § 121 between the following alleged patentably distinct species of the invention:

- I. Embodiment I related to monitoring of the head, limb and trunk of a patient, and respiratory motion of the patient for use as an indication of patient arousal; and
- II. Embodiment II related to monitoring the motion of the head, limbs and trunk of a patient, and respiratory motion of the patient for use as an indication of patient painfulness.

Reconsideration of this requirement for election of species is respectfully requested in view of the following remarks.

The Applicant believes that the present invention contains various embodiments of a single inventive concept. All species contain the features presently recited in claims 101, 119, 139 and 149, which are currently generic to all of the species. Moreover, the Applicant believes that claims 101, 119, 139 and 149 are allowable and